

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MATTEL, INC., :
Plaintiff, : 21 Civ. 8108 (PAE)
-v- : ORDER
WWW.POWER-WHEELS-OUTLET.COM, :
WWW.POWERWHEELS-SALE.COM, and :
WWW.POWERWHEELS-US.SHOP, :
Defendants. X

PAUL A. ENGELMAYER, District Judge:

On September 30, 2021, plaintiff Mattel, Inc. (“Mattel”) filed a sealed Complaint. It alleged trademark infringement under the Lanham Act by the defendants, www.power-wheels-outlet.com, www.powerwheels-sale.com, and www.powerwheels-us.shop (collectively, “defendants”). *See* Dkt. 7. Mattel also applied for a temporary restraining order and an order to restrain defendants’ assets. *See* Dkt. 11 (the “TRO”). On October 1, 2021, the Court granted the TRO. Dkt. 15.

On October 7, 2021, Mattel served the Summons, Complaint, and TRO on defendants by alternative means, making defendants’ deadline to answer or otherwise respond October 28, 2021. *See* Dkt. 17; Fed. R. Civ. P. 12(a). On October 15, 2021, the Court held a hearing to show cause why a preliminary injunction should not issue, at which defendants failed to appear. At the hearing, the Court converted the TRO into a preliminary injunction. Dkt. 6 (the “PI”). That same day, Mattel served the PI on defendants by alternative means, Dkt. 18, and the Court ordered that the case be unsealed, Dkt. 5.

On November 10, 2021, Mattel filed for entry of default as to all defendants with the Clerk of Court. Dkts. 19, 20. That same day, the Clerk of Court issued a certificate of default as to all defendants. Dkt. 21. On December 15, 2021, Mattel filed a motion for a default judgment and a permanent injunction as to all defendants. Dkt. 22. That same day, Mattel completed filing the required supplemental papers to that motion. Dkts. 23–25. To date, no defendant has responded to the Complaint or otherwise appeared in this action. The Court therefore considers Mattel's motion unopposed.

The Court has reviewed Mattel's motion for default judgment and a permanent injunction pursuant to Federal Rule of Civil Procedure 55(b) and Mattel's supporting affidavit and submissions. Dkts. 22–25. Because proof of service has been filed as to all defendants, no defendant has answered the Complaint, the time for answering has expired, and all defendants have failed to appear to contest the entry of a default judgment and permanent injunction, the Court enters a default judgment in favor of Mattel on the claims against all defendants and grants Mattel's motion for a permanent injunction.

This case will now be referred to a United States Magistrate Judge for an inquest into damages. Mattel shall serve this Order upon all defendants and file an affidavit reflecting such service on the docket by January 10, 2022.

SO ORDERED.


PAUL A. ENGELMAYER
United States District Judge

Dated: January 3, 2022
New York, New York